THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.8080 OF 1997

ORAL ORDER:

This writ petition is field seeking a declaration that the alleged action of the respondents in interfering with the possession of the petitioner in respect of Ac.2.59 cents of land situated in Sy.No.58/3A1 of Lingamgunta village, Maddipadu mandal, Prakasam district, without publishing the declaration under Section 6 of the Land Acquisition Act, 1894 (for short "the Act"), as arbitrary and illegal.

The petitioner claims to be the owner and possessor of the land in question, which is sought to be acquired for the purpose of providing house sites to the weaker sections. It is stated that though the notification under Section 4(1) of the Act was published in the District Gazette on 21.10.1995, no further steps have been taken, and even the declaration under Section 6 of the Act was not made within a period of one year from the date of 4(1) notification, as mandated under the Act. Hence, it is contended that the entire proceedings are vitiated, and liable to be set aside.

In response to *Rule nisi,* the Mandal Revenue Officer, Maddipadu, filed a counter-affidavit denying the allegations and stating that the notification under Section 4(1) of the Act was published in the District Gazette on 21.10.1995 and substance of the same was also published in local dailies dated 21.10.1995. Enquiry under Section 5-A of the Act was dispensed with by invoking the urgency clause under Section 17(4) of the Act and, as a matter of fact, the petitioner had given her consent to part with her land on payment of compensation of Rs.80,000/- per acre. Accordingly, declaration under Section 6 of the ACt was published on 24.10.1995 and, thereafter, possession was taken on 22.12.1996. Pursuant thereto, house site pattas were prepared in favour of members of weaker sections, and distributed by the District Collector on 14.4.1997 on the eve of Dr. Ambedkar's Birthday. Necessary entries were also made in the village accounts to

the said effect. So far as payment of compensation is concerned, it is stated that though notice under Section 12(2) of the Act was issued by the Land Acquisition Officer, the petitioner refused to receive the same. Hence, the amount was kept in Revenue Deposit by the Land Acquisition Officer.

From what has been stated in the counter-affidavit filed on behalf of the respondent, which stood un-rebutted, the allegations made by the petitioner that no declaration was made under Section 6 of the Act within one year from the date of the notification under Section 4(1) of the Act is unfounded and cannot be accepted. It is also clear from the counter-affidavit that pursuant to the declaration under Section 6 of the Act further steps have already been taken and even pattas were granted in favour of the beneficiaries. Hence, the writ petition is misconceived and the petitioner cannot be granted any relief.

Accordingly, the writ petition is dismissed, leaving it open to the petitioner to receive the compensation, which is kept in Revenue Deposit, if not already received. No costs.

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(G. ROHINI, J.)

25th January, 2007.
Kgr.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.8080 OF 1997

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25th January, 2007.

Between:

Jagarlamudi Vedavathi. .. Petitioner.

And

The District Collector and District Magistrate,
Ongole, Prakasam district and others. .. Respondents.